

SENATE BILL No. 396

DIGEST OF INTRODUCED BILL

Citations Affected: IC 33-5-10.2.

Synopsis: Dearborn County superior court. Creates an additional Dearborn superior court. (The introduced version of this bill was prepared by the commission on courts.)

Effective: July 1, 2004.

Nugent

January 12, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

SENATE BILL No. 396

A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 33-5-10.2-1, AS ADDED BY P.L.45-2000,
2 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2004]: Sec. 1. There ~~is~~ **are** established ~~a court~~ **two (2) courts**
4 of record to be known as the Dearborn superior court (~~referred to as~~
5 ~~"the court" in this chapter~~). ~~The No. 1 and the Dearborn superior~~
6 **court No. 2. Each** court may have a seal containing the words
7 "Dearborn Superior Court (**insert No. 1 or No. 2**), Dearborn County,
8 Indiana". Dearborn County comprises the judicial district of the court.
9 SECTION 2. IC 33-5-10.2-2, AS ADDED BY P.L.45-2000,
10 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
11 JULY 1, 2004]: Sec. 2. (a) ~~The~~ **Each** court has one (1) judge, who shall
12 be elected at the general election every six (6) years in Dearborn
13 County. ~~The A~~ judge's term begins January 1 following the election and
14 ends December 31 following the election of the judge's successor.
15 (b) To be eligible to hold office as judge of the court, a person must:
16 (1) be a resident of Dearborn County;
17 (2) be less than seventy (70) years of age at the time of taking



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office; and

(3) be admitted to the bar of Indiana.

SECTION 3. IC 33-5-10.2-3, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 3. (a) Except as provided in subsection (b), ~~the~~ **each** court has the same jurisdiction as the Dearborn circuit court.

(b) The Dearborn circuit court has exclusive juvenile jurisdiction.

SECTION 4. IC 33-5-10.2-4, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 4. The judge of ~~the each~~ court has the same powers relating to the conduct of the business of the court as the judge of the Dearborn circuit court. The judge of ~~the each~~ court also may administer oaths, solemnize marriages, and take and certify acknowledgments of deeds.

SECTION 5. IC 33-5-10.2-5, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 5. The judge of ~~the each~~ court shall appoint a bailiff and an official court reporter for the court. ~~The Each~~ judge may appoint a referee, commissioner, or other personnel as the judge considers necessary to facilitate and transact the business of the court. Their salaries shall be fixed in the same manner as the salaries of the personnel for the Dearborn circuit court. Their salaries shall be paid monthly out of the treasury of Dearborn County as provided by law. Personnel appointed under this section continue in office until removed by the judge of the **appointing** court.

SECTION 6. IC 33-5-10.2-6, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 6. The clerk of the court, under the direction of ~~the each~~ judge of the court, shall provide order books, judgment dockets, execution dockets, fee books, and other books for ~~the each~~ court, which shall be kept separately from the books and papers of other courts.

SECTION 7. IC 33-5-10.2-7, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 7. ~~The Each~~ court shall hold its sessions in the Dearborn County courthouse in Lawrenceburg, Indiana, or in such other places in the county as the Dearborn county executive may provide. The county executive shall provide and maintain a suitable courtroom and other rooms and facilities **for each court**, including furniture and equipment, as may be necessary. The Dearborn County fiscal body shall appropriate sufficient funds for the provision and maintenance of these rooms and facilities.

SECTION 8. IC 33-5-10.2-8, AS ADDED BY P.L.45-2000,

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SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 8. The jury commissioners appointed by the judge of the Dearborn circuit court shall serve as the jury commissioners for ~~the~~ **each** court. Juries shall be selected in the same manner as juries for the Dearborn circuit court. The grand jury selected for the Dearborn circuit court shall also serve as the grand jury for ~~the~~ **each** court as may be necessary.

SECTION 9. IC 33-5-10.2-9, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 9. The judge of the Dearborn circuit court may, with the consent of the judge of ~~the~~ **a** court, transfer any action or proceeding from the circuit court to the court. The judge of ~~the~~ **a** court may, with the consent of the judge of the circuit court, transfer any action or proceeding from the court to the circuit court.

SECTION 10. IC 33-5-10.2-10, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. The judge of the Dearborn circuit court may, with the consent of the judge of ~~the~~ **a** court, sit as a judge of the court in any matter as if the judge of the circuit court were an elected judge of the court. The judge of ~~the~~ **a** court may, with the consent of the judge of the circuit court, sit as a judge of the circuit court in any matter as if the judge of the court were an elected judge of the circuit court.

SECTION 11. IC 33-5-10.2-11, AS ADDED BY P.L.45-2000, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 11. ~~The~~ **Each** court has a standard small claims and misdemeanor division.

SECTION 12. [EFFECTIVE JULY 1, 2004] **(a) Notwithstanding the amendment of IC 33-5-10.2 by this act, the Dearborn superior court is not expanded to two (2) judges until January 1, 2005.**

(b) The governor shall appoint a person under IC 3-13-6-1(c) to serve as the initial judge of the Dearborn superior court No. 2 added by IC 33-5-10.2-1, as amended by this act.

(c) The term of the initial judge appointed under subsection (b) begins January 1, 2005, and ends December 31, 2006.

(d) The initial election of the judge of the Dearborn superior court No. 2 is the general election on November 7, 2006. The term of the initially elected judge begins January 1, 2007.

(e) This SECTION expires January 2, 2007.

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